

DRAFT MINUTES
U.S./Canada Lobster Working Group
Holiday Inn
Bangor, Maine
February 5, 2003

Canada Participants

Roderick MacDonald
Harold Cossaboom
Laurence Cook
Klaus Sonnenberg
Brian Guptill
Neil Morse
Danny Ingalls
F. Gregory Peacock

U.S. Participants

Harold Mears
Terry Stockwell
Jeremy Cates
Bill Anderson
Loren C. Faulkingham
Kristan Porter
Robert Ingalls

Introduction/Operating Guidelines

Harry Mears chaired the meeting and indicated that Greg Peacock will chair the next meeting in March at St. Stephan. George Lapointe sent his regrets that he could not attend the meeting due to State of Maine confirmation hearings in Augusta. After introductions by individual workgroup members, Harry presented some suggested Operating Guidelines for consideration by the Workgroup members. These were:

1. Agreement on agenda with any suggestions for additions/deletions will Be discussed as first order of business.
2. As a general rule, specifics of workgroup discussions will not be Publicized outside of meetings themselves. Workgroup members will not be Quoted by others.
3. Meeting breaks or caucuses, generally not to exceed 10 minutes, can Be requested by any workgroup member at any time during the course of The meeting.

4. A host country workgroup representative will maintain meeting record and will summarize workgroup discussions prior to end of each meeting. Final minutes will be distributed (by email?) for comments and edits within 10 working days.

A modification was agreed that, as a general guideline, draft agendas would be distributed ten days in advance of future meetings and that any requested additions/deletions be identified to workgroup members prior to the meeting.

Terms of Reference

Harry and Greg discussed the steps, which led to the current Terms of Reference (TOR) for the Workgroup (Attachment 1), and associated approval by the Canada/U.S. Steering Committee for the Management of Transboundary Fish Stocks (Steering Committee). They noted that there remain only minor changes to be considered and further discussed by Harry and Greg before the TOR are finalized. Earlier versions of the TOR included descriptive language, which led to the current make-up of the Working Group. Specifically, the working group is composed of up to six industry representatives and two governmental officials from the United States and the same number from Canada with no substitutions. There is the possibility of additional governmental staff for administrative purposes but with no standing. The role of governmental representatives is to organize and facilitate meetings. The working group is to be an industry to industry working group for discussing and developing recommendations for review by the Steering Committee. The recommendations relate to the eventual development of complementary management plans for the lobster fishery by each country in the waters surrounding Machias Seal Island. No recommendation will be put forward if it compromises either country's conservation approach. Approval by the Steering Committee is required to move recommendations from the working group to government agencies for consideration. There was discussion that the fishing effort (number of fishermen/vessels and trap numbers) are included in the TOR for general information only and that the working group members may subsequently decide to further refine the respective description of lobster trap fishing effort on the basis of either new information or alternate descriptors.

Current/Future Expectations - - U.S./Canada Perspectives

(For purposes of these minutes, the waters surrounding Machias Seal Island are hereafter referred to as the "region").

Canada

Remarks by Canada workgroup members included:

1. That deliberations on Canada/U.S. fishing effort in the region consider the issue of equality, in terms of participating vessels and associated employment of lobster traps
2. That discussions stay focused on region-specific management

3. That workgroup discussions be open to alternative measures to identify potential management approaches (e.g., further reduction in Canada's trap limits may not be a viable option)

The ideal (dream) situation from a Canada perspective is that there be a closed summer fishery in the region

United States

Remarks by U.S. workgroup representatives included:

1. That the historical nature of the region's fishery be retained
2. That changes and conflicts in the lobster trap fishery, as evidenced last year, be avoided in the future
3. A desire to keep the fishery "peaceful"

Subsequent Discussion

Subsequent discussion by the workgroup noted that respective Canada and U.S. governmental authorities support the workgroup and are hopeful that the workgroup will come to agreement. As can be expected, there is no unanimous opinion among all U.S./Canada industry participants, on either side concerning any one approach. Fishing "over the line" was considered by some to be largely responsible for the dissension concerning fishing practices in the region last year. Also, more and more gear is being fished in the region's deeper waters, resulting in a less profitable fishery for some, and squeezing out others. Marketing and socio-economic implications of both historical and changing fishing practices need to be considered and "part of the equation". On both the Canada and United States sides, there needs to be a recognition of:

- Each side's existing rules and regulations in the region
- Historical vs equal access perspectives (fishing practices, socio-economics)
- The complexities of state/federal rulemaking in the U.S.

There is no instantaneous miracle solution, but in the absence of a solution, the region and its fishery is subject to wide fluctuations and disturbances

Some workgroup members indicated that disruptions in lobster trap fishing practices in the region last year were in part due to ignorance/unawareness of "unwritten laws" governing fishing practices and "attitude", but emphasized that associated conflicts diminished toward the end of the fishing season. A primary objective should be to ensure that gear conflicts do not occur in the future. There should also be an effort to ascertain the status of gear confiscated by enforcement authorities during last year's fishing season.

Next Meeting

The next workgroup meeting will be at St Stephan on March 14 (specifics to be announced at a later date). The agenda for that meeting should include:

1. A further geographical description of the lobster fishery in the region from both a Canada (Lobster Fishing Area 38b) and United States (Area 1/Zone A) perspective - - associated maps should be distributed for reference and discussion (Greg and Harry)
2. Bring issues to the table for potential drafting of a U.S./Canada industry draft agreement on fishing practices in the region
3. Overview of Canada/DFO regulatory protocols (Greg)
4. Steps to exchange Canada/U.S. lobster landings data for the region
5. Overview of U.S. legal authorities available for lobster management in the region (Harry/George)
6. Potential refinement of the estimate of vessels/traps in the region's lobster fishery as compared to the estimates currently noted in the Terms of Reference.

ATTACHMENT 1

TERMS OF REFERENCE (02/05/03)

US/Canada Lobster Working Group

I. Background:

In the past, herring, scallops, groundfish and lobster have dominated the fishery in the waters surrounding Machias Seal Island and North Rock, while recent effort has concentrated on lobster and to a lesser extent scallops.

In 1984, the International Court of Justice in The Hague determined the maritime boundary through the Gulf of Maine. However, by mutual agreement of the two parties, the area from point alpha to the terminus of the international boundary between Canada and the United States was not included in the arbitration.

Both Canada and the United States claim the islands and the surrounding waters. These two boundary claims have created a disputed area of approximately 210 square nautical miles.

Both countries consider these waters to be under their jurisdiction and, as a result, both countries claim that their fisheries rules apply in this area. For Canada, management plans for groundfish, scallop, lobster and herring include the waters surrounding the island. For the United States, a mix of federal and state authorities manage the waters for the same species.

II. Context-Lobster Fishery

Currently, the Canadian and United States fisheries have several management/conservation measures in common for this area.

These are:

- a) Minimum carapace size-3.25 inches;
- b) Mandatory V-notching;
- c) Limitations on # of traps used;
- d) Berried females - no retention in Canada or US;
- e) Gear markings - buoy and tag;
- f) Trap-both countries use the same type of gear.

There are also several areas where differences exist in management, these are:

- a) Maximum carapace US 5 inches: Canada-no limit;
- b) Seasons-Canada August 15-October 31*: US-no season;
- c) Trap limits Canada 375/fisher: US-800/vessel;
- d) Participants - Canada up to 37 fishers using 7,500 traps in total: US estimated 60 vessels and 15,000 traps;
- e) Monitoring - Canada 100% VMS, 100% DMP/log data entry and 25% observer monitoring of landings: U.S. 2-3 sea sampling trips/month in Zone A since 1998; 2-3 port sampling trips/month in Zone A (not exclusively for "gray area") since 1967;
- f) Female Cull Protection-Canada no retention of 1 claw females LFA 38 only: US no provision;
- g) Whale Safe Gear - e.g., U.S. - no floating lines at surface; buoy lines marked (red, 4" mark midway on the buoy line); all buoys attached to main buoy line with a knotless weak link; multiple traps only - no single traps allowed.

III. Objective

- a) To explore management opportunities, consistent with existing conservation objectives, that would enhance bilateral collaboration on management in this lobster fishery (complementary management), and that would operate without prejudice to either country's sovereignty claim.

IV. Schedule:

Meetings will be arranged in neutral sites with rotation in each country. The meeting schedule will commence in February 2003 and may continue at regularly scheduled intervals.

* The regular lobster fishing area (LFA) 38 fishery is prosecuted from the second Monday in November until June 30 of each year. Contained within this LFA 38 district are the waters surrounding Machias Seal Island and North Rock.